

III. Amendments to the Drawings

Replacement sheet 1 of the drawings, which include changes to Figure 1, is attached.

Specifically, Figure 1 was amended by adding $d < W$, which is supported in the specification at paragraph [0023] and is therefore not new matter. This amendment was in response to an objection that the tether being less than the width of the layers of the airbag must be shown or the feature must be cancelled from claims 1 and 6. Accordingly, Applicants believe that this amendment has cured the respective rejection.

III. Remarks

Claims 1-6 were pending in this application and were rejected. The present amendment adds new claims 7 and 8, and amends claims 1 and 2 to more particularly point out and clarify Applicants' invention. No new matter has been added by the present amendment. After this amendment, claims 1-8 will be pending.

Reconsideration of the application in view of the amendments and the following remarks is respectfully requested.

Rejections under 35 USC § 112

Claims 1-6 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claim 1 has been amended to recite that the tether has opposed ends connected to the leading edges and the trailing edges. This was in response to an objection that claim 1 recited that the tether is "connected to the leading and trailing edge" which is singular, and that claim 1 should recite that the tether is "connected to the leading edges and the trailing edges." Accordingly, Applicants believe that the amendment to claim 1 has cured the 35 USC § 112, second paragraph, rejections of claims 1-6.

Rejections under 35 USC §102

Claims 1-3 and 5 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,422,693 issued to Ryan ("Ryan"). In view of the amendments and remarks contained herein, Applicants respectfully submit that the rejections of claims 1-3 and 5 are traversed.

Claim 1 has been amended to recite that the side air-bag comprises at least one tether having a laminar form and is disposed between the two layers of the air-bag. The air-bag is configured to be mounted in the motor vehicle and to be deployed in a deployment direction that is substantially parallel to a longitudinal axis (X) of the motor vehicle. During deployment, the tether extends between the leading and trailing edges to limit movement of the leading edges in the deployment direction and the laminar form of the tether is positioned along a plane substantially perpendicular to a lateral axis (Y) of the motor vehicle to force expansion of the air-bag in a direction substantially parallel to the lateral axis (Y). Support for these amendments may be found in Applicants' application at paragraphs [0023]-[0024] and [0027], and Figures 1-4.

Ryan discloses a side air-bag 101 stored in the roof rail 124 of a motor vehicle. The air-bag 101 has a self tensioning tether/lace 230 that traverses a plurality of guide points 235 disposed within the upper and lower portions 203 and 204 of the air-bag 101. The tether/lace 230 is a single woven cord that includes front and rear portions 131 and 132 which secure the air-bag 101 to the A-pillar 125 and the C-pillar 126, respectively. When the air-bag 101 is deployed, the air-bag inflates in a downward direction from the roof rail 124, and any slack in the tether/lace 230 is taken up by the increased distance between the lace guides 235, thereby tensioning the tether/lace 230 to stabilize the air-bag for preventing ejection of the occupant and

managing kinematics of the occupant's torso and head during initial and subsequent impacts. Ryan at Abstract, col. 1, lines 45-63, col. 2, lines 40-67, col. 3, lines 1-15 and lines 43-47, and col. 4, lines 52-61 and Figures 1-4C. Notably, Ryan does not disclose (1) the tether/lace 230 having a laminar form, (2) the air-bag being configured to deploy in the longitudinal direction of the vehicle, (3) the tether/lace 130 limiting movement of the edge of the air-bag in a direction parallel to the longitudinal axis, and (4) the air-bag being forced by the tether/lace to expand in a lateral or side direction of the vehicle.

This is unlike Applicants' invention where the air-bag is configured to be deployed in a deployment direction that is substantially parallel to a longitudinal axis of the motor vehicle, and during deployment the tether limits movement of the leading edges in the deployment direction and the laminar form of the tether is positioned along a plane substantially perpendicular to a lateral axis of the motor vehicle, forcing expansion of the air-bag in a direction substantially parallel to the lateral axis. Accordingly, Applicants believe that the rejections under § 102(b) are improper and should therefore be withdrawn.

Claims 1–3 were rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,364,348 issued to Jang et al. ("Jang"). Applicants respectfully submit that the rejections of claims 1-3 are traversed.

Jang discloses a side-bag 500 for installation in a seat of a vehicle for deployment therefrom adjacent to the occupant. The side air-bag 500 is formed of a first panel 540 seamed together with a pair of second panels 550. The air-bag 500 has an upper chamber 504 and a lower chamber 505 partitioned by a tether 541 which is part of the first panel 540. The tether 541 forms a horizontal base of the upper chamber 504 and the second panels 550, which form the lower chamber 505,

are seamed together with the tether 541 entirely around its perimeter for attachment of the lower chamber 505 to the upper chamber 504. Jang at col. 4, lines 60-67 and col. 5, lines 4-7 and Figures 4 and 6. The tether 541 constantly maintains a pressure in and a shape of the air-bag 500 so that gas injected by the inflator is filled in the lower chamber 505 prior to the upper chamber 504. *Id.* at Abstract. Notably, during deployment the tether 541 is positioned in a horizontal plane parallel with the lateral axis of the vehicle and is fixedly secured entirely around its perimeter to the outer panels 540 and 550 to limit expansion of the air-bag 500 in the forward, rearward and lateral directions to maintain the shape of the air-bag 500.

This is unlike Applicants' invention where during deployment of the air-bag, the laminar form of the tether is positioned along a plane substantially perpendicular to a lateral axis of the motor vehicle, and the air-bag is forced to expand in a direction substantially parallel to the lateral axis by the tether. Accordingly, Applicants believe that the rejection under § 102(b) is therefore improper and should be withdrawn.

In view of the above amendments and remarks, Applicants believe that claim 1 and its dependent claims 2-3 and 5 are in a condition for allowance.

Rejections under 35 USC §103

Claims 4 and 6 were rejected under 35 USC §103(a) as being unpatentable over Jang in view of U.S. Patent No. 5,791,685 issued to Lachat et al. ("Lachat"). Applicants respectfully submit that the rejections of claims 4 and 6 are traversed.

Since claims 4 and 6 depend from claim 1, and since Lachat fails to disclose that during deployment the laminar form of the tether is positioned along a plane substantially perpendicular to a lateral axis of the motor vehicle and the air-bag is

forced to expand in a direction substantially parallel to the lateral axis by the tether, the combination of Jang and Lachat cannot render the claims as obvious. Accordingly, Applicants believe that the rejection under § 103(a) is therefore improper and should be withdrawn.

Claim 5 was rejected under 35 USC §103(a) as being unpatentable over Jang in view of U.S. Patent No. 5,730,464 issued to Hill ("Hill"). Applicants respectfully submit that the rejection of claim 5 is traversed.

Since claim 5 depend from claim 1, and since Hill fails to disclose that during deployment the laminar form of the tether is positioned along a plane substantially perpendicular to a lateral axis of the motor vehicle and the air-bag is forced to expand in a direction substantially parallel to the lateral axis by the tether, the combination of Jang and hill cannot render the claim as obvious. Accordingly, Applicants believe that the rejection under § 103(a) is therefore improper and should be withdrawn.

In view of the above amendments and remarks, Applicants also believe that claims 4-6 are in a condition for allowance.

Conclusion

In view of the above amendments and remarks, it is respectfully submitted that the present form of the claims are patentably distinguishable over the art of record and that this application is now in condition for allowance. Such action is requested.

Respectfully submitted,

January 28, 2009
Date

/Daniel P. Dailey/
Daniel P. Dailey (Reg. No.54,054)